

REMARKS

The Applicant acknowledges the allowance of claim 10. The Applicant has added new claims 11-18 which depend from allowed claim 10. The Applicant respectfully requests that these claims be examined and allowed.

The Applicant acknowledges the indication that claims 7 and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response to this indication, the Applicant has placed claim 7 in independent form. The Applicant thus submits that claims 7 and 8 are in condition for allowance. The Applicant has added new dependent claims 19-22 which depend from allowable independent claim 7. The Applicant respectfully requests that new dependent claims 19-22 be examined and allowed.

The Applicant has also added new claims 23 and 24 and respectfully requests that these claims be examined. Independent claim 23 is similar to allowed independent claim 10 because claim 23 is directed to the use of the loop having first and second ends with a theft deterrent device. Claim 23 recites that the loop is adapted to wrap around a portion of an item of merchandise to secure the device to the item of merchandise with the tooth of the theft deterrent device passing through the ends of the loop to secure the loop to the first and second members of the theft deterrent device. An exemplary embodiment of this invention is depicted in Figs. 70-74 of the patent application.

The Examiner rejected independent claim 1 as being anticipated by Gustavsson (4,483,049). The Applicant respectfully traverses the rejection. Independent claim 1 specifically requires the first and second members to define first and second openings. These openings are used to clamp the first and second members around a portion of an item of merchandise as depicted in Figs. 65-66 of the patent application. In order to clarify the difference between the invention of independent claim 1 and the Gustavsson prior art, the Applicant has amended independent claim 1 to positively recite the item of merchandise. The Applicant has

then specifically recited that a portion of the item of merchandise is disposed in the first and second openings and extending between the first and second openings. The Applicant has also amended independent claim 1 to specifically recite that portions of the first and second members are disposed on opposite sides of the portion of merchandise to hold the first and second members to the item of merchandise. In the Gustavsson reference cited by the Examiner, no portion of the item of merchandise is disposed in the first and second openings cited by the Examiner. The Examiner cited elements 6 as meeting the first and second openings limitation of independent claim 1. The Applicant respectfully notes that no portion of the item of merchandise is received within these openings to hold the first and second members to the item of merchandise. The Gustavsson reference uses the standard, well known prior art method of using a pin (5) to pierce the item of merchandise to hold the theft deterrent device to the item of merchandise. The Applicant thus submits that Gustavsson teaches away from the invention recited in independent claim 1 wherein the theft deterrent device does not pierce the item of merchandise to connect the theft deterrent device to the item of merchandise.

The Applicant respectfully submits that the remaining claims that depend from independent claim 1 are also allowable over the Gustavsson reference. The claims are patentable based on the patentability of independent claim 1 and based on the limitations presented in these claims. For instance, dependent claim 2 recites that the lock includes four locking fingers. Dependent claim 4 recites that the first and second openings are aligned and coaxial. Dependent claim 5 recites that the first and second openings are perpendicular to each other. Dependent claim 6 recites that the first and second openings are offset. Gustavsson's openings are parallel with each other and offset in a lateral direction. The Gustavsson's openings are not aligned and coaxial and are not perpendicular to each other. The Applicant notes that dependent claim 9 has been canceled.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims.

Respectfully submitted at Canton, Ohio this 14th day of July, 2003.

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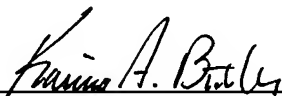
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